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Testimony of
Orlando Rodriguez
Connecticut Education Association
Before the
Education Committee

Re:

HB 5280 THE PROVISION OF BILINGUAL EDUCATION IN CONNECTICUT
SB 232 THE EXCESS COST GRANT FOR SPECIAL EDUCATION
SB 227 AAC MAGNET SCHOOL PROGRAM FUNDING
HB 5283 AAC THE EDUCATION COST SHARING GRANT FORMULA
AND THE FUNDING OF OTHER EDUCATION PROGRAMS
SB 229 AAC THE CHARTER SCHOOL APPROVAL PROCESS

March 4, 2022

Senator McCrory, Representative Sanchez, Senator Berthel, Representative McCarty, and members of Education Committee, I am Orlando Rodriguez, Research and Policy Development Specialist for the Connecticut Education Association (CEA). CEA represents educators in over 150 school districts across the state.

Today my testimony will focus on various bills addressing school funding, particularly for students exhibiting some of the greatest need in our public-school districts.

HB 5280 THE PROVISION OF BILINGUAL EDUCATION IN CONNECTICUT

CEA wholeheartedly supports HB 5280.

The proposed increase in funding for bilingual education in Connecticut is sorely needed. However, the requirements for qualifying for bilingual education funds are limited to schools with more than 20 students who speak the same foreign language. Consequently, funding in the bilingual education line item only reaches English learners (ELs) in about 20 school districts while statewide there are over 140 dominant languages spoken by students in over 170 school districts.

Increasing funding to bilingual education is not sufficient to serve the over 40,000 English Learners who account for 1 out of every 10 K-12 public school students statewide. Additional funding should be appropriated to teach English to existing and future U.S. citizens.

Additionally, although the ECS formula provides a weighting factor for English learners, there is no statute requiring these additional ECS funds from EL student counts to be targeted toward the specific needs of ELs. In short, districts that benefit from EL counts in the ECS formula can allocate these funds to the benefit of non-ELs. There is no accounting of how these EL-based ECS funds are spent. The bill also establishes a dual-language seed grant to encourage local and regional boards of education to create a new dual-language program or expand an existing dual-language program. This seed grant should be funded with new dedicated funding and not by transferring funds from other worthwhile programs.

Dual-language programs benefit both English-speaking students and ELs. Dual-language instruction is done in both English and a foreign language. Years ago, I was fortunate to hear a student in one of our dual-language programs speak in three languages – Korean, English, and Spanish. The student’s native language is Korean, but she spoke perfect Spanish. I almost cried. It showed that the U.S. can be a prosperous multilingual and culturally diverse country – like so many other countries are.

Dual-language programs in Connecticut have been in high demand among parents as evidenced by the new dual-language elementary school in Waterbury, which opened in the fall of 2021. The school received over 1,000 applications for 112 available seats.¹

It is also important to note that dual-language programs are inherently integrated. Given the state’s interest in reducing racial isolation, the state should invest in regional dual-language inter-district magnets that graduate bilingual students and that are truly integrated. By contrast, the state’s investment in charter schools reinforces segregation. Shifting investments into dual-language programs would be a win-win for all, with the added benefit of generating lots of grateful parents to support our public education system.

Students whose native language is other than English are a benefit to our country. Sadly, it is often not viewed that way. CEA is grateful for this committee’s focus on ELs and welcomes consideration for addressing the issues we raise in our testimony.²

We also urge the committee to recognize that proposals for new or expanded programs operated by CSDE must be appropriately funded to ensure they can be carried out successfully.

SB 232 THE EXCESS COST GRANT FOR SPECIAL EDUCATION

We thank the committee for raising a bill to share the cost of special education in local districts more equitably. Special education is a critical component for providing equity for students facing disabilities. As you know, the federal government rightfully mandates such equity; but disappointingly, it woefully underfunds this commitment.

While we fully support the proposals in this bill, we also suggest that committee members consider implementing the many changes recommended by the State Auditors of Public Accounts. The auditors noted widely disparate fees being charged to local districts by service providers and lax bidding practices resulting in unnecessary costs. In their recommendations, the auditors recommended establishing standard fee schedules as a guideline for districts to assess costs.

Massachusetts sets standard pricing for special education services (at <https://www.mass.gov/special-education-pricing>). Connecticut should too. There is no federal requirement that the cost for special education services must be as high as possible.

Without attention to cost controls, costs will continue to rise because districts do not pay usual and customary charges to providers of special education services, among other concerns. Paying more for services does not mean better services. It means fewer dollars are available for all special education students. In a competition for resources, all would benefit from districts following the recommendations from the State Auditors of Public Accounts.

SB 227 AAC MAGNET SCHOOL PROGRAM FUNDING

CEA supports SB 227. Inter-district magnet schools have excelled in promoting learning through a commitment to diversity. But like many other districts in the state, challenges from teacher shortages, increasing costs, and the need for more student resources have grown. We support the 8% increase in state funding for all inter-district magnets. We also ask the committee to increase funding for OPEN Choice, which functions as a de facto inter-district program promoting learning through diversity.

HB 5283 AAC THE EDUCATION COST SHARING GRANT FORMULA AND THE FUNDING OF OTHER EDUCATION PROGRAMS

We appreciate the time committee members have taken to look deeply into various education funding grants. While CEA is cautiously optimistic about this bill, we await further analysis by the Office of Fiscal Analysis on the impact of the changes on school districts across the board.

As you review and revise this legislation, we ask committee members to consider the following:

Different State Interests in Each Grant Formula: We also ask policymakers to honor the various individual policy missions of these grants. ECS is meant to address disparities across municipalities in their ability to raise funds for schools (*Horton v. Meskill*). Magnet schools were instituted to promote diversity and integration as hallmarks to better learning and child development; Sheff magnet schools were more intentionally and specifically designed to address racial isolation (*Sheff v. O'Neill*). Charter schools were instituted to encourage innovation, help meet unique student needs, and benefit, and not compete with, local public schools.

Targeting Shortages of Teachers and Resources: As we phase in, and hopefully increase ECS funding, the state should specifically earmark funds to address the teacher shortage by enhancing compensation and targeting resources that help educators better meet the needs of their students.

Ensuring State Funds Reach Schools: While the legislature's commitment to phasing in ECS helps build predictability for cities and towns, it does not provide the same predictability for Boards of Education. State payments for ECS are sent to the municipality. This frequently results in schools getting less money than they should as funds intended for schools are redirected to fund municipal services or reduce taxes. ECS should instead be sent directly to the school board.

Adjust for Inflation: We commend the proponents for including an inflation adjustment in the foundation for choice programs. However, there is no inflation adjustment to the ECS foundation for

local school funding. This will result in increases having to be borne by local taxpayers. We ask committee members to link the foundation for ECS to inflation too.

Special Education and Transportation: Local public schools pick up the costs of special education and transportation for children in choice schools like charter schools. When comparing funding, we ask lawmakers to consider this financial reality and its impact on schools.

SB 229 AAC THE CHARTER SCHOOL APPROVAL PROCESS

CEA strongly opposes SB 229.

CEA opposes this proposal because it removes the General Assembly from decision-making about funding new charter schools. We also oppose SB 229 because it enables predatory charter management organizations to hold the General Assembly captive for funding an expansion of charter schools against the interests of the state.

SB 229 would shift decisions about school funding from where they rightly should be – with legislators and the General Assembly – to the Department of Education. If enacted, the result would be like giving the State Department of Education – and the State Board of Education – the authority to unilaterally decide the level of ECS funding for each of Connecticut's 169 towns. We urge rejection of this bill for this and several tangible reasons.

If enacted, this bill will also allow a charter school to accept students and begin operating *before* funding has been approved by the General Assembly. This would result in the repeat of troubling and manipulative charter management organization practices that PA 15-239 was enacted to prevent. Such actions by certain Connecticut charter schools sought to force the hand of the legislature by unilaterally increasing their number of seats or telling parents they were opening a new school thereby offering *phantom* seats without approval from the General Assembly.

From fiscal 2017 – only 5 years ago – to fiscal 2023, appropriations for charter schools have grown by nearly \$20 million (\$19,744,188, +18 percent).^{3,4} To put this in perspective; for fiscal year 2023, about \$10 million (\$10,680,828) has been appropriated for school-based health clinics. We should be spending more on school-based health clinics instead of adding new charter schools that take funds away from more needed investments. We make a similar argument in our testimony on HB 5280 regarding this committee's proposed increase in investments for English learners. We ask committee members to consider the benefit of investing in dual-language programs that promote integration and multilingualism over charter school expansions that intensify segregation.

Over the past decade, spending on charters has resulted in an unnecessary expansion of a parallel publicly funded K-12 system. Unlike locally elected boards of education, charter schools are overseen by unelected and unaccountable boards of governors who decide how to spend taxpayer dollars. Furthermore, some charters needlessly pay a fee to a Charter Management Organization (CMOs) for *phantom* "management consulting" services that charter schools do not need. Most charter schools in Connecticut manage their schools without sending dollars meant for classrooms to an outside business to do it for them. For the tax year ending June 2017, Achievement First, Inc. received more than \$17 million⁵ in management consulting fees (Achievement First, Inc. is the Charter Management

Organization paid to operate Achievement First Bridgeport Academy, Achievement First Hartford Academy, Amistad Academy, and Elm City College Preparatory). This practice should be stopped. This bill will shift democratic oversight of taxpayer dollars given to charter schools from the General Assembly to the State Department of Education and the *unelected* State Board of Education. As previously noted, these taxpayer dollars then go to a charter school's *unelected* board of governors, and a significant amount is paid to CMOs. If enacted, SB 229 would roll back charter accountability measures enacted in PA 15-239, which made the charter school funding process more responsible by ensuring legislative oversight that was sorely missing in statute at that time.

CEA believes that the students in existing charter schools deserve fair funding. To that end, we advocate funding increases that lift all boats — including traditional neighborhood and magnet schools. We reject the premise that "market mechanisms" should redirect funds from the children in one school and send the funds to another as if students are widgets.

In closing, as the committee considers addressing the needs of charter school students in various bills under consideration, including SB 229 and HB 5283, we suggest spending existing appropriations more wisely by banning unnecessary *phantom* services from Charter Management Organizations and requiring the charters to abide by all the statutory provisions that apply to public schools to protect public school children. To that end, below are recommendations on how to increase accountability and transparency among Charter Management Organizations.

We also ask that you consider commonsense provisions to ensure taxpayer dollars are spent wisely and appropriately on the needs of students attending charter schools. State law should:

1. Require charter schools to keep students through high school graduation.
2. Require the Connecticut State Department of Education (CSDE) to report the number of students who left a choice school during the school year. Lawmakers should also consider instituting a confidential online exit survey for parents of children who leave, and provide a report in the aggregate on the reasons why.
3. Require the CSDE to publicly report the cost of special education services and student transportation borne by local public-school districts for students attending charter schools.
4. Require Charter Management Organizations to disclose and post on its website how much charter schools pay in management fees and the specific services each school gets in return.
5. Allow parents of students in a charter school to file a complaint directly with the Connecticut State Board of Education when a charter school does not meet its duties under law (e.g., charters should be subject to the provisions of CGS 10-4b).
6. Require charter schools to have the same transparency and public meeting requirements that all other public schools must give to parents and taxpayers. Not less.
7. Require applications for new or expanded state-funded charter schools to include an analysis informing the local Board of Education of how much state funding will be lost once the charter opens and annually after that. Furthermore, require a state-funded charter school to be approved by the town in which it will operate.

8. Require charters to have an English learner (EL) enrollment that reflects the population of ELs from sending towns, and stop granting ongoing waivers to charters for not having certified bilingual education teachers as required by law.
9. Strengthen enforcement of teacher certification and mentoring requirements.

CEA cannot support adding more charter schools until they are held to the same accountability as traditional public schools throughout the state, and all schools are adequately funded. We appreciate the committee's attention to these critical issues and appreciate the opportunity to submit testimony.